



**State of Tennessee**  
**Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**Mining Section**  
**3711 Middlebrook Pike**  
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**Notice of NPDES and ARAP Public Hearing**

**Notice of Joint Public Hearing PH2006-01**

**Issuance Date: July 27, 2006**

**Expiration Date: August 29, 2006**

**Last Day to Submit Written Comments: September 26, 2006**

**NOTICE IS HEREBY GIVEN**, that the Division of Water Pollution Control, Mining Section, will hold the following public hearing pursuant to *Rules 1200-4-5-.06 (12)* and *1200-4-7-.04 (4)* of the Tennessee Department of Environment and Conservation. The hearing date, time and location follow:

**7:00 p.m. CDT**  
**September 12, 2006**  
**Monterey High School**  
**710 Commercial Avenue**  
**Monterey, Tennessee 38574**

**Purpose of Hearing**

At the hearing, the Department will receive public comments concerning the issuance of a National Pollutant Discharge Elimination Permit (NPDES) and individual Aquatic Resource Alteration Permits (ARAPs) to the following applicant:

**Plateau Sand**  
**Highway 62 Mine**  
**455 Muddy Pond Road**  
**Monterey, Tennessee 38574**  
**NPDES Permit TN0079600 (Draft)**  
**ARAP NR06MS.005 (Draft)**  
**ARAP NR06MS.006 (Draft)**

**Description**

The draft NPDES permit covers discharges of treated wastewater and storm water from a proposed new construction sand mine and processing facility. The proposed facility will discharge into Little Hurricane Creek and Little Piney Creek. These streams have been designated Tier 2 streams and are listed on the

Division's *List of High Quality Waters*. The tentative decision to issue this permit is based on the Division's determination that the proposed discharge will not result in degradation of the Tier 2 waters. The justification for this finding of "*No Degradation*" is that the applicant has demonstrated in the permit application and site plans that appropriate pollution prevention measures will be implemented and maintained during the term of the facility operation. The Division's public notice of the new application and justification for "*No Degradation*" was announced on June 26, 2006 (PN2006-06).

The individual draft ARAP permits will authorize activities associated with water withdrawal, stream crossing and alteration of jurisdictional wetlands. ARAP (#NR06MS.005) covers activities affecting approximately 1.63 acres of jurisdictional wetlands. The permit applicant proposes to compensate for this loss of wetlands by enhancing areas outside the permit boundary and by expanding existing wetlands to 7.9 acres for a potential mitigation ratio of 4.85:1.

ARAP (#NR06MS.006) will authorize water withdrawal from Little Piney Creek and a crossing of Little Piney Creek. The applicant supports this ARAP request with detailed measures and plans to maintain stream integrity and appropriate surface flow conditions of Little Piney Creek. The Division has proposed conditional approval of this activity. Both of the ARAP applications were placed on public notice on June 26, 2006.

### **Public Hearing Procedure**

The hearing officer may limit oral presentations to five minutes and require that all testimony be relevant to water quality-related issues for this facility. Undue repetition in oral presentations should be avoided so that all interested parties will have an opportunity to present their concerns relative to water quality issues. Written testimony will be accepted at the hearing and for at least ten days following the hearing.

Introductory remarks will discuss the project and describe specific activities related to water quality. Comments for the hearing record will be given individually to staff members after the introduction and general discussion segment.

Comments not related to water quality or to the information contained in the permit applications will not be accepted nor considered part of the hearing record. Issues not directly related to water quality or to the draft permits, such as health, safety, blasting, traffic or related issues will not be considered. We do not control these matters and consideration would not contribute relevant information to the decision making process for the ARAP and NPDES permit applications.

### **How the Department Will Proceed**

After consideration of all comments submitted during the public comment period, review of the hearing records, and the requirements of federal and state laws, the Director of the Division will make a determination regarding the final permit actions.

### **To Obtain Permit Details**

Interested persons may obtain additional information and copy the applications, draft permits, and supporting documentation from the permit files maintained at the Mining Section's office at the letterhead address. There is a nominal fee for copying. These files are available for public inspection during normal visiting hours by contacting Elaine Killion by phone at (865) 594-1062 to schedule an appointment for the review. A copy of the permit applications and draft permits will be available for review at the hearing.

### **State of Tennessee Antidegradation Policy**

Tennessee's Antidegradation Statement is in *Chapter 1200-4-3-.06* of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for high quality waters. Some high quality waters are in near pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high quality waters. Outstanding National Resource Waters (ONRWs) or Tier 3 waters receive the greatest level of protection. The Water Quality Control Board designates these waters. New discharges or expansion of existing discharges cannot degrade existing water quality.

The Department identifies other high quality waters known as Tier 2 waters and protects against their degradation. The Water Quality Control Board may allow some degradation if the Board deems it economically and socially necessary. Tier 1 waters refer to other surface waters that do not have the identification and/or designation as high quality. These waters must achieve and maintain Tennessee's Water Quality Standards.

### **State of Tennessee Policy of Non-Discrimination**

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EE/AA Coordinator, Office of General Counsel, 401 Church Street, 20<sup>th</sup> Floor L & C Tower, Nashville, TN 32743, 1-888-867-7455.

ADA inquiries should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298). Such contact may be in person, by writing, telephone, or other means and should be made no later than **August 31, 2006**, to allow time to provide such aid or services.